

House File 86 - Introduced

HOUSE FILE _____
BY WINDSCHITL, SCHULTZ, TYMESON,
LUKAN, STRUYK, HELLAND,
SORENSEN, HUSEMAN, KAUFMANN,
PAULSEN, and DEYOE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the justifiable use of reasonable force.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1773YH 83
4 jm/rj/5

PAG LIN

1 1 Section 1. Section 704.1, Code 2009, is amended to read as
1 2 follows:
1 3 704.1 REASONABLE FORCE.
1 4 "Reasonable force" is that force and no more which a
1 5 reasonable person, in like circumstances, would judge to be
1 6 necessary to prevent an injury or loss and can include deadly
1 7 force if it is reasonable to believe that such force is
1 8 necessary to avoid injury or risk to one's life or safety or
1 9 the life or safety of another, or it is reasonable to believe
1 10 that such force is necessary to resist a like force or threat.
1 11 Reasonable force, including deadly force, may be used ~~even if~~
1 12 ~~an alternative course of action is available if the~~
1 13 ~~alternative entails a risk to life or safety, or the life or~~
1 14 ~~safety of a third party, or requires one to abandon or retreat~~
1 15 ~~from one's dwelling or place of business or employment, and a~~
1 16 ~~person has no duty to retreat, and has the right to stand the~~
1 17 ~~person's ground, and meet force with force, if the person~~
1 18 ~~believes reasonable force, including deadly force, is~~
1 19 ~~necessary under the circumstances to prevent death or serious~~
1 20 ~~injury to oneself or a third party, or to prevent the~~
1 21 ~~commission of a forcible felony.~~
1 22 Sec. 2. NEW SECTION. 704.4A IMMUNITY.
1 23 1. A person who uses reasonable force shall be immune from
1 24 any criminal prosecution or civil action for using such force,
1 25 unless the person against whom such force is used is a peace
1 26 officer acting within the scope of the officer's duties and
1 27 the peace officer identifies the officer's identity, or the
1 28 person knew or reasonably should have known the person is a
1 29 peace officer.
1 30 2. A law enforcement agency may use standard investigating
1 31 procedures for investigating the use of force, but the law
1 32 enforcement agency shall not arrest a person for using force
1 33 unless it determines there is probable cause that the force
1 34 was unlawful under this chapter.
1 35 3. If a person is arrested and it is later determined by a
2 1 court or jury that the person was justified in using
2 2 reasonable force under the circumstances, the person shall be
2 3 awarded reasonable attorney fees, court costs, compensation
2 4 for loss of any income, and reimbursement of any other
2 5 expenses incurred as a result of being arrested and charged.
2 6 EXPLANATION
2 7 This bill relates to the justifiable use of reasonable
2 8 force.
2 9 The bill provides that a person may use reasonable force,
2 10 including deadly force, and a person has no duty to retreat,
2 11 and has a right to stand the person's ground, and meet force
2 12 with force, if the person believes reasonable force, including
2 13 deadly force, is necessary under the circumstances to prevent
2 14 death or serious injury to oneself or a third party, or to
2 15 prevent the commission of a forcible felony.
2 16 Current law provides that a person may use reasonable
2 17 force, including deadly force, even if an alternative course
2 18 of action is available if the alternative entails a risk of

2 19 life or safety or the life or safety of a third party, or
2 20 requires one to abandon or retreat from one's residence or
2 21 place of business.

2 22 The bill also provides that a person who uses reasonable
2 23 force shall be immune from any criminal prosecution or civil
2 24 action for using such force, unless the person against whom
2 25 such force is used is a peace officer acting within the scope
2 26 of the officer's duties and the peace officer identifies the
2 27 officer's identity, or the person knew or reasonably should
2 28 have known the person is a peace officer.

2 29 Under the bill, a law enforcement agency shall not arrest a
2 30 person for using force unless it determines there is probable
2 31 cause that the force was unlawful under Code chapter 704.

2 32 The bill also provides that if a person is arrested and it
2 33 is later determined by a court or jury that the person was
2 34 justified in using reasonable force under the circumstances,
2 35 the person shall be awarded reasonable attorney fees, court
3 1 costs, compensation for loss of any income, and reimbursement
3 2 of any other expenses incurred as a result of being arrested
3 3 and charged.

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